

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

Charlotte Division

FILED  
CHARLOTTE, NC

AUG 16 2022

US DISTRICT COURT  
WESTERN DISTRICT OF NC

Alton Sharan Sapp

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Matthews Police Department,  
Town of Matthews NC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

3:22-cv-411-RJC

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐

Yes

☒

No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Alton Sharan Sapp		
Address	7801 Waterford Lakes Drive		
	Charlotte	NC	28210
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mecklenburg		
Telephone Number	4046954395		
E-Mail Address	sapp.alton719@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Clark A. Pennington		
Job or Title <i>(if known)</i>	Chief of Police		
Address	1201 Crews Road		
	Matthews	NC	28105
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mecklenburg		
Telephone Number	7048416701		
E-Mail Address <i>(if known)</i>	n/a		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 2

Name	Quincy Smith		
Job or Title <i>(if known)</i>	Police Officer		
Address	1201 Crews Road		
	Matthews	NC	28105
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Mecklenburg		
Telephone Number	7048416701		
E-Mail Address <i>(if known)</i>	n/a		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 3

Name

Stason Tyrrell

Job or Title (*if known*)

Captain of Investigation Division

Address

1201 Crews Road

Matthews

NC

28105

*City**State**Zip Code*

County

Mecklenburg

Telephone Number

7048416746

E-Mail Address (*if known*)

n/a

☐ Individual capacity
 ☒ Official capacity

## Defendant No. 4

Name

Job or Title (*if known*)

Address

*City**State**Zip Code*

County

Telephone Number

E-Mail Address (*if known*)
☐ Individual capacity
 ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fourth Amendment, Fifth Amendment, and Fourteenth Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?



- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- All defendants (Matthews Police Dept) (the staff under the leadership of Chief Clark A. Pennington, Cpt. Stason Tyrrell's in the Criminal Investigation Div., and specifically Officer Quincy Smith) are held liable for unlawful acts committed by willfully depriving me of rights secured by both U.S. Constitution, and state laws of N.C. by failing to uphold the standard of "due process of law"-- was their sworn oath to. The "act"-to unlawfully apply for arrest warrant without probable cause--was beyond their lawful authority.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
1. The basis of all three (3) claims are concerning three occurrences in Mecklenburg County Arrest Processing Center at the Mecklenburg County Jail, Matthews Police Department, and Audi of Charlotte car dealership. Witnesses: Officer Quincy Smith (Complainant), Magistrate Judge J. Parker, Defense Attorney for Defendant: Attorney Falls Seagrave
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- B. What date and approximate time did the events giving rise to your claim(s) occur?
- 05/16/2021: The magistrate orders for all three felony charges, were improperly issued by Magistrate Judge, and not a Superior Court Judge.  
(per magistrate order Magistrate Judge improperly approved order and it was executed)  
-- 05/18/2021 9:00 am: An unlawful arraignment hearing was held in District Court, and a "not guilty plea" was entered. -- 08/04/2021: All charges dismissed in District Court without leave by the DA.
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- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
- Fact 1: Application for magistrate orders were unlawfully signed and executed, for arrests concerning felony charges I was accused of. Those charges being: 1. Larceny after Breaking/Entering (F), 2. Breaking/Entering(F), and Poss. of Burg Tool(F)). The basis of these arrest, and subsequent magistrate orders were validated with only groundless opinions asserted, and sworn as facts, and no evidence or information that lawfully proved probable cause existed to charge me for the charges, and thus to obtain the orders. Fact 2: At arraignment in district court set for these charges, I entered in a plea of not guilty of all charges being accused of. Fact 3: The three (3) felony charges were dismissed without leave by the DA in district court. Concerning the facts known: sworn stated opinions, laws governing the standards of "due process of law" in all jurisdictions in the state of NC, and also the charges' subsequent dismissal without leave by the DA. It can lawfully be affirmed that, material evidence did not exist to warrant probable cause initially, and thus to support neither arrest nor the magistrate orders. \*Anecdotal Information: Arrest ID: 1835100 / File Numbers: 21CR214898, 21CR214900, 21CR214903.
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#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Due to the brevity of these unlawful acts of a breach of duty/care to my well-being, I suffered:

- emotional distress
- loss of opportunity
- mental anguish
- inconvenience by being held without my consent-- against my will-- for a period of 63 days. Committed to Mecklenburg County Jail on 05/16/2021 at 10:08 am, and released on 07/21/2021 at 4:18 am.

-Due to an extended period of scrutiny and stress, considering the underlying weight of being arrested, accused, and persecuted for committing crimes of such a violent, and extreme magnitude, the uncertainty surrounding my incrimination, and the fear of not being exonerated--I have been robbed of a kind of "innocence" that I can never fully recover from. This miscarriage of justice caused both emotional, and psychological harm to my psyche that I still find myself reasoning with to this day.

-Specifically, more to the point of the crimes I was accused of-- the weight of being accused of committing three violent felonious crimes which from my understand, was in effect, a Life Imprisonment sentence (considering current sentencing standards in N.C. concerning Violent Habitual Felons, and per DOJ sentencing guidelines concerning the "three strikes rule").

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#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Relief Sought:

Money Damages Requested: Actual Damage- ~~\$5~~ Billion USD      Punitive Damages: \$300 - \$600 million

The collective weight of the charges at question in these claims are assessed and affixed a monetary value based on their identity per NC state law (Violent Felonies). North Carolina's treatment of these crimes (them being of a violent nature), greatly influences the factors used to calculate the total monetary value of these violations that should be considered, and contrasted with the risk value affixed and identified as the departments willful act of committing these violations that are the subject of these three claims.

The risk taken by executing the three arrest warrants, and (\*identified: Violent Felonies (1F)- Breaking/Entering, Larceny After Breaking/Entering, Poss. of Burg Tools) in terms of years (per NC Sentencing Structure / Article 2B 14-7.7-12 .) was Life without parole; or 80 years imprisonment. An accurate formula for assistance in valuing the severity of such incidents can be specifically assessed by taking the max penalty if found guilty for the accused violations (it must be taken into consideration, that other factors that greatly influence penalty/sentencing as well, and thus need to be added to equation to calculate total risk value), and multiplying that value by a numerical value range that represents the "opportunity cost" over that same period of time that would be lost-- if found guilty. For the sake of the claims' calculation to support the actual damages sought, and the rationale or logic supporting the claims requested amount, can be referenced in mathematical formula form specifically created, and named "Aggregated Opportunity/Risk Cost", to give a more precise understanding considering the abnormality of the acts underlying the requested relief. Which can be seen below:

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/19/2022

Signature of Plaintiff



Printed Name of Plaintiff

Alton Sharan Sapp

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

*City*

*State*

*Zip Code*

Telephone Number

E-mail Address